

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Daniel S. King,

Plaintiff

v.

City of Henderson,

Defendant

Case No. 2:19-cv-01129-JAD-BNW

**Order Adopting Report and
Recommendation**

[ECF Nos. 9, 18, 36]

City of Henderson police officer Daniel King brings this employment-discrimination suit against his employer, alleging claims of discrimination and retaliation. The City moves to dismiss his claims, and King moves to amend his complaint.¹ Magistrate Judge Brenda Weksler has evaluated the parties' respective motions and recommends that I grant the City's motion to dismiss in part, dismissing his retaliation claim, and that I deny King's motion to amend because his proposed amendment is futile.²

The deadline for objections to that recommendation passed without objection or any request to extend the deadline to file one. "[N]o review is required of a magistrate judge's report and recommendation unless objections are filed."³

So, with good cause appearing, IT IS HEREBY ORDERED that the magistrate judge's report and recommendation [ECF No. 36] is **ADOPTED** in full;

The Defendant's Motion to Dismiss [ECF No. 9] is **GRANTED IN PART AND DENIED IN PART in that plaintiff's second claim for relief (retaliation) is DISMISSED**

¹ ECF Nos. 9 (motion to dismiss), 18 (countermotion for leave to amend).

² ECF No. 36.

³ *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); *see also Thomas v. Arn*, 474 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

1 **without prejudice and with leave to amend by August 10, 2020**, if King can remedy the
2 deficiencies identified in the Report and Recommendation [ECF No. 36]. The motion to dismiss
3 is denied in all other respects. If King does not file an amended complaint by August 10, 2020,
4 this case will proceed only on plaintiff's first and third claims, and the City will then have until
5 August 20, 2020, to file its answer.

6 IT IS FURTHER ORDERED that King's Countermotion for Leave of Court to File First
7 Amended Complaint [ECF No. 18] is **DENIED**.

8 
9 U.S. District Judge Jennifer A. Dorsey
Dated: July 21, 2020